

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 27 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

BRIMSTONE NATURAL RESOURCES  
CO., an Oregon Corporation; ROBERT  
STUMBO; JOHN WEST,

Plaintiffs-Appellants,

v.

DAVID HAIGHT, individually and in his  
official capacity,

Defendant-Appellee,

STEPHEN WETMORE, individually and in  
his official capacity; DOUGLAS  
THACKERY, individually and in his official  
capacity; OREGON DEPARTMENT OF  
FORESTRY, a government agency; PETER  
DAUGHERTY, State Forester, Oregon  
Department of Forestry, in his official  
capacity; OREGON DEPARTMENT OF  
ENVIRONMENTAL QUALITY;  
RICHARD WHITMAN, Director of the  
Oregon Department of Environmental  
Quality, in his official capacity; OREGON  
DEPARTMENT OF FISH AND  
WILDLIFE, a government agency; CURT  
MELCHER, Director of the Oregon  
Department of Fish and Wildlife, in his  
official capacity; OREGON DEPARTMENT  
OF STATE LANDS; LAUREN BROWN;  
VICKI WALKER,

Defendants-Appellees,

No. 22-35187

D.C. No. 1:18-cv-01740-CL  
District of Oregon,  
Medford

ORDER

and

DOES, 1-10, individually and/or in their  
official capacities,

Defendant.

Before: MURGUIA, Chief Judge, and FORREST and SUNG, Circuit Judges.

The panel has unanimously voted to deny the petition for panel rehearing.

The petition for panel rehearing is **DENIED**.